

ASSEMBLY BILL

No. 2387

Introduced by Assembly Member Miller

February 19, 2010

An act to amend Section 4011.10 of the Penal Code, relating to county jails.

LEGISLATIVE COUNSEL'S DIGEST

AB 2387, as introduced, Miller. County jails: inmate emergency health care.

(1) Existing law authorizes a county sheriff, police chief, or other public agency that contracts for emergency health services, to contract with providers of emergency health care services for care to local law enforcement patients. Under existing law, a county sheriff or police chief is prohibited from releasing inmates from custody for the purpose of seeking medical care, with the intent to rearrest, unless the hospital determines the action would enable it to collect from a 3rd-party source. Existing law requires an Inmate Health Care and Medical Provider Fair Pricing Working Group to be convened and meet as needed to identify and resolve industry issues that create fiscal barriers to timely and affordable emergency inmate health care, among other things. Under existing law, all of these provisions are to be repealed as of January 1, 2014.

This bill would delete the repeal date and would add a definition for “local law enforcement patient”. Because the bill would extend existing duties imposed upon local law enforcement, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4011.10 of the Penal Code is amended
2 to read:

3 4011.10. (a) It is the intent of the Legislature in enacting this
4 section to provide county sheriffs, chiefs of police, and directors
5 or administrators of local detention facilities with an incentive to
6 not engage in practices designed to avoid payment of legitimate
7 emergency health care costs for the treatment or examination of
8 persons lawfully in their custody, and to promptly pay those costs
9 as requested by the provider of services. Further, it is the intent of
10 the Legislature to encourage county sheriffs, chiefs of police, and
11 directors or administrators of local detention facilities to bargain
12 in good faith when negotiating a service contract with hospitals
13 providing emergency health care services.

14 (b) Notwithstanding any other provision of law, a county sheriff,
15 police chief, or other public agency that contracts for emergency
16 health services, may contract with providers of emergency health
17 care services for care to local law enforcement patients. Hospitals
18 that do not contract with the county sheriff, police chief, or other
19 public agency that contracts for emergency health care services
20 shall provide emergency health care services to local law
21 enforcement patients at a rate equal to 110 percent of the hospital's
22 actual costs according to the most recent Hospital Annual Financial
23 Data report issued by the Office of Statewide Health Planning and
24 Development, as calculated using a cost-to-charge ratio.

25 (c) A county sheriff or police chief shall not request the release
26 of an inmate from custody for the purpose of allowing the inmate
27 to seek medical care at a hospital, and then immediately rearrest
28 the same individual upon discharge from the hospital, unless the

1 hospital determines this action would enable it to bill and collect
2 from a third-party payment source.

3 (d) The California Hospital Association, the University of
4 California, the California State Sheriffs' Association, and the
5 California Police Chiefs' Association shall, immediately upon
6 enactment of this section, convene the Inmate Health Care and
7 Medical Provider Fair Pricing Working Group. The working group
8 shall consist of at least six members from the California Hospital
9 Association and the University of California, and six members
10 from the California State Sheriffs' Association and the California
11 Police Chiefs' Association. Each organization should give great
12 weight and consideration to appointing members of the working
13 group with diverse geographic and demographic interests. The
14 working group shall meet as needed to identify and resolve industry
15 issues that create fiscal barriers to timely and affordable emergency
16 inmate health care. In addition, the working group shall address
17 issues including, but not limited to, inmates being admitted for
18 care and later rearrested and any other fiscal barriers to hospitals
19 being able to enter into fair market contracts with public agencies.
20 To the extent that the rate provisions of this statute result in a
21 disproportionate share of local law enforcement patients being
22 treated at any one hospital or system of hospitals, the working
23 group shall address this issue. No reimbursement is required under
24 this provision.

25 (e) Nothing in this section shall require or encourage a hospital
26 or public agency to replace any existing arrangements that any
27 city police chief, county sheriff, or other public agency that
28 contracts for emergency health services for care to local law
29 enforcement patients.

30 (f) An entity that provides ambulance or any other emergency
31 or nonemergency response service to a sheriff or police chief, and
32 that does not contract with their departments for that service, shall
33 be reimbursed for the service at the rate established by Medicare.
34 Neither the sheriff nor the police chief shall reimburse a provider
35 of any of these services that their department has not contracted
36 with at a rate that exceeds the provider's reasonable and allowable
37 costs, regardless of whether the provider is located within or
38 outside of California.

39 (g) For the purposes of this section, "reasonable and allowable
40 costs" shall be defined in accordance with Part 413 of Title 42 of

1 the Code of Federal Regulations and federal Centers for Medicare
2 and Medicaid Services Publication Numbers ~~15-1~~ 15-1 and ~~15-2~~
3 15-2.

4 (h) For purposes of this section, in those counties in which the
5 sheriff does not administer a jail facility, a director or administrator
6 of a local department of corrections established pursuant to Section
7 23013 of the Government Code is the person who may contract
8 for services provided to jail inmates in the facilities he or she
9 administers in those counties.

10 ~~(i) This section is repealed as of January 1, 2014.~~

11 *(i) For purposes of this section, “local law enforcement patient”*
12 *means any person seeking medical treatment or examination, in*
13 *the custody of an officer of a county sheriff’s department, a city*
14 *or county police department, or a local detention facility,*
15 *regardless of whether or not the person in custody has been*
16 *delivered, received, or booked in any county, city, city and county,*
17 *or other local jail or detention facility.*

18 SEC. 2. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.